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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/478,677 01/06/00 HWANG

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WARE FRESSOLA VAN DER SLUYS &
ADOLPHSON, LLP
BRADFORD GREEN BUILDING 5
755 MAIN STREET, P O BOX 224
MONROE CT 06468

EXAMINER

DEXTER, C

ART UNIT

PAPER NUMBER

3724

DATE MAILED:

12/21/00

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.
09/478,677

Applicant(s)

Hwang

Examiner

Clark F. Dexter

Group Art Unit

3724



☐ Responsive to communication(s) filed on _____.

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims

☒ Claim(s) 1-9 is/are pending in the application.

Of the above, claim(s) _____ is/are withdrawn from consideration.

☐ Claim(s) _____ is/are allowed.

☒ Claim(s) 1-9 is/are rejected.

☐ Claim(s) _____ is/are objected to.

☐ Claims _____ are subject to restriction or election requirement.

Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.

☒ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been
☐ received.

☐ received in Application No. (Series Code/Serial Number) _____.

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____.

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☒ Notice of References Cited, PTO-892

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

Art Unit: 3724

DETAILED ACTION

1. The preliminary amendment filed March 23, 3000 has been entered.

Drawings

2. The drawings are objected to because for the following informalities.

In Figure 2, numeral 32 should be added to the left side of the figure (in a manner similar to the right side of the figure) for clarity to indicate that the blade turning unit is present at both locations.

In Figure 6, numeral 32' should be added to the lower side of the figure (in a manner similar to the upper side of the figure) for clarity.

Appropriate correction is required.

3. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the cutting apparatus with both vertical and horizontal cutting devices as set forth in claim 1 must be shown or the features canceled from the claims. No new matter should be entered.

Art Unit: 3724

Specification

4. The disclosure is objected to because of the following informalities:

On page 4, line 3, “ends” is unclear as to what is being described, particularly when referring to a gear.

On page 6, line 1, it seems that “close” should read --closed--.

On pages 6-7, the sentence bridging the two pages is unclear as to what is being described and does not appear to have been specifically described in the detailed description. Appropriate correction is required.

Claim Rejections - 35 USC § 112

5. Claims 1-9^x are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 1, line 10, structural cooperation is not positively provided for “a blade turning unit”, particularly with respect to the blade strip; in line 25, “a blade turning unit movement control mechanism” lacks structural cooperation; in line 26, “a blade turning unit movement control mechanism” lacks structural cooperation.

In claim 3, line 2, “left and right blade seats”

In claim 5, lines 2-3, “a left column and a right column”

Art Unit: 3724

In claim 7, line 4, the phrase "is used to house" renders the claim vague and indefinite as to whether the first and second cutting device are intended to be claimed.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 1, 3, 5 and 6-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gwosdz.

Regarding claims 1, 5, 3 and 6, Gwosdz discloses a cutting apparatus with almost every structural limitation of the claimed invention including horizontal and vertical cutting devices, wherein each cutting device comprises a blade strip (e.g., 25, 27), a guide wheel unit (to which the blades are attached), and a blade turning unit (e.g., 100, 60), but appears to lack a blade turning unit movement control mechanism and the particular features thereof for each device. However, the Examiner takes Official notice that it is old and well known in the art to provide such control mechanisms for changing the spacing between adjacent blades and/or for changing the position of a blade with respect to a work support surface for various known reasons including to cut a work piece to a desired dimension. Therefore, it would have been obvious to

Art Unit: 3724

one having ordinary skill in the art to provide a blade turning unit movement control mechanism for each device for the well known benefits including that described above.

Regarding claim 7, Gwosdz lacks a roller assembly. However, the Examiner takes Official notice that roller assemblies as part of a work bench are old and well known in the art for moving a work piece toward and away from a cutting device. Therefore, it would have been obvious to one having ordinary skill in the art to provide a roller assembly (along with the related components) on the work bench of Gwosdz for the well known benefits including that described above.

Regarding claims 8 and 9, Gwosdz appears to lack means for moving the vertical section left and right, and means for moving the horizontal section up and down. However, as described above for claim 1, the Examiner takes Official notice that it is old and well known in the art to provide such means for changing the spacing between adjacent blades and/or for changing the position of a blade with respect to a work support surface for various known reasons including to cut a work piece to a desired dimension. Therefore, it would have been obvious to one having ordinary skill in the art to provide means for moving the vertical section left and right, and means for moving the horizontal section up and down for the well known benefits including that described above.

Art Unit: 3724

Double Patenting

8. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

9. Claims 1-9[✓] are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-6 of U.S. Patent No. 6,125,733 in view of Gwosdz.

The patent claims cover substantially the same subject matter of claims 1-9 of the present application but claims a blade grinding mechanism and lacks a horizontal cutting device.

However, it would have been obvious to one having ordinary skill in the art to remove the blade grinding mechanism for various well known reasons including simplifying its construction including assembly and operation thereof.

Further, Gwosdz discloses a cutting apparatus wherein vertical and horizontal blades are provided to simultaneously make both type of cuts. It would have been obvious to one having ordinary skill in the art to duplicate the structure of the vertical cutting device and provide therewith a horizontal cutting device for the well known benefits including those taught by Gwosdz as well as that described above.

Art Unit: 3724

Conclusion

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Clark Dexter whose telephone number is (703) 308-1404.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Rinaldi Rada, can be reached at (703)308-2187.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703)308-1148. The fax numbers for this group are: formal papers - (703)305-3579; informal/draft papers - (703)305-9835.



**Clark F. Dexter
Primary Examiner
Art Unit 3724**

cf
December 18, 2000